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3 UNITED STATES DISTRICT COURT

## 4 DISTRICT OF NEVADA

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6 VICTOR CAMARGO JUAREZ,

Case No. 3:24-cv-00462-MMD-CLB

7 Plaintiff,

ORDER

8 v.

9 TACO BELL, *et al.*,Defendants.  
10

11 Pro se Plaintiff Victor Camargo Juarez sued his former employer, Defendants Taco  
12 Bell and Diversified Restaurant Group LLC, for discrimination and a hostile work  
13 environment in violation of federal law. (ECF No. 1-1.) The Court granted Plaintiff leave  
14 to file an amended complaint (ECF Nos. 7, 8), and he did (ECF No. 10 ("FAC")). Before  
15 the Court is the Report and Recommendation ("R&R") of United States Magistrate Judge  
16 Carla Baldwin (ECF No. 11), screening the FAC, recommending that Plaintiff's sexual  
17 harassment hostile work environment claim proceed, but recommending dismissal with  
18 leave to amend of Plaintiff's putative Americans with Disabilities Act ("ADA") claim. To  
19 date, no objections to the R&R have been filed. For this reason, and as further explained  
20 below, the Court will adopt the R&R in full.

21 Because there is no objection, the Court need not conduct de novo review, and is  
22 satisfied that Judge Baldwin did not clearly err. *See United States v. Reyna-Tapia*, 328  
23 F.3d 1114, 1116 (9th Cir. 2003) ("De novo review of the magistrate judges' findings and  
24 recommendations is required if, but *only* if, one or both parties file objections to the  
25 findings and recommendations." (emphasis in original)). Judge Baldwin first recommends  
26 that Plaintiff's Title VII hostile work environment claim alleging sexual harassment  
27 proceed because, in the FAC, Plaintiff "alleges sufficient facts to establish that the sexual  
28 conduct he experienced at work was severe or pervasive such that [Plaintiff's] working

1 environment was altered.” (ECF No. 11 at 4.) Judge Baldwin next recommends  
2 dismissing Plaintiff’s putative ADA claim, but granting him leave to amend within 30 days,  
3 because he does not identify his actual or perceived disability in the FAC. (*Id.* at 4-6.)  
4 Having reviewed the R&R, Judge Baldwin did not clearly err.

5 It is therefore ordered that Judge Baldwin’s Report and Recommendation (ECF  
6 No. 11) is accepted and adopted in full.

7 It is further ordered that Plaintiff is proceeding on his hostile work environment  
8 claim described in the FAC (ECF No. 10).

9 It is further ordered that Plaintiff’s ADA claim also alleged in his FAC (ECF No. 10)  
10 is dismissed, without prejudice and with leave to amend.

11 It is further ordered that, if Plaintiff chooses to file a second amended complaint  
12 curing the deficiencies of the ADA claim in his FAC as outlined in the R&R, Plaintiff must  
13 file that second amended complaint within 30 days from the date of entry of this order.

14 It is further ordered that, if Plaintiff does not timely file a second amended complaint  
15 in line with this order, Plaintiff will be proceeding on his hostile work environment claim  
16 only.

17 DATED THIS 11<sup>th</sup> Day of February 2025.

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20 MIRANDA M. DU  
21 UNITED STATES DISTRICT JUDGE  
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